

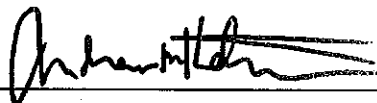
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Chapter No. 4166
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HOUSE BILL NO. 926

Originated in House



Clerk

HOUSE BILL NO. 926

AN ACT TO PROVIDE THAT IN THE HOLMES COUNTY AND DURANT PUBLIC SCHOOL DISTRICTS THERE SHALL BE AN ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE DESIGNATED AS THE HOLMES COUNTY CONSOLIDATED SCHOOL DISTRICT EFFECTIVE JULY 1, 2018; TO PROVIDE FOR THE COMPOSITION AND SELECTION OF THE BOARD OF TRUSTEES OF THE NEW HOLMES COUNTY CONSOLIDATED SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL DISTRICTS FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS AND THE PREPARATION OF A SCHOOL DISTRICT BUDGET IN THE NEW SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE CONSOLIDATION; TO AMEND SECTIONS 37-7-103 AND 37-5-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) In Holmes County, Mississippi, in which are located, as of January 1, 2016, two (2) school districts, there shall be an administrative consolidation of all of those school districts in the county into one (1) new countywide school district to be designated as Holmes County Consolidated School District which shall consist of the territory of the former Holmes

County School District and the Durant Public School District, effective on July 1, 2018. At such time that the administrative consolidation becomes effective, the central administrative office of the Holmes County Consolidated School District shall be located in Lexington, Mississippi.

(2) Within two (2) years prior to the date of consolidation, or as soon as practicable after July 1, 2016, a financial advisor and/or other facilitator with school district experience may be assigned by the Mississippi Department of Education to oversee the budgeting and financial matters relating to the consolidation of the districts slated for consolidation. The financial advisor and/or facilitator may, at the discretion of the Mississippi Department of Education, continue duties for one (1) year after the consolidation to ensure that all financial matters are in place. All financial expenditures of districts that are closing must be approved by the financial advisor and/or facilitator. If the superintendent and/or school board approves expenditures outside of this approval, they shall be personally liable for the excess expenditures. The State Board of Education shall determine the compensation to be paid to the financial advisor and/or facilitator which shall be paid by the local school district to which the financial advisor and/or facilitator is assigned.

(3) (a) On or before July 1, 2017, the State Board of Education shall serve the local school boards of the Holmes County School District and the Durant Public School District with notice

and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall provide for the administrative consolidation of Holmes County School District and the Durant Public School District on or before July 1, 2018. In the new Holmes County Consolidated School District, there shall be a new county board of education elected in a November 2017 special election, which shall be called by the Governor for that purpose. The new county board of education shall be elected and the terms of office established as provided in Section 37-5-7(3). The State Board of Education shall declare that the territory embraced by Holmes County, Mississippi, shall be the boundary lines for the territory of the new Holmes County Consolidated School District and shall spread a legal description of the new school district on the minutes of its August 2017 meeting and shall serve the applicable school boards and the board of supervisors with an adequate legal description of these new boundaries. It shall be the responsibility of the board of supervisors of such county to apportion the newly consolidated school district into five (5) new single member board of education election districts, which shall be consistent with the supervisors district lines in the county. The board of supervisors of the county shall thereafter publish the same in some newspaper of general circulation in the county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of

the school boards of each appropriate school district in the county, the new district lines will thereafter be effective for the November 2017 special election.

(b) Any school district affected by the required administrative consolidation in Holmes County that does not voluntarily consolidate as ordered by the State Board of Education shall be administratively consolidated by the State Board of Education, to be effective on July 1 following the November 2017 special election of the new school board members. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into the Holmes County Consolidated School District by July 1, 2018, following the election of the new board of trustees. The affected school districts shall comply with any consolidation order issued by the State Board of Education on or before July 1 following the election of the new board of trustees.

(4) (a) On July 1, 2018, following the election of the new board of trustees of the Holmes County Consolidated School District, the former county board of education for Holmes County and the former board of trustees of the Durant Public School Districts shall be abolished. All real and personal property which is owned or titled in the name of the school district

located in such former school districts shall be transferred to the new Holmes County Consolidated School District.

(b) The new board of trustees of the Holmes County Consolidated School District shall be responsible for establishing the contracts for teachers, principals, clerical and administrative staff personnel for the 2018-2019 school year and each school year thereafter.

(c) The new board of trustees for the Holmes County Consolidated School District shall appoint the superintendent of schools for the school district. The superintendent of schools for the Holmes County Consolidated School District may appoint an assistant superintendent of schools for the district, but in no instance shall the administrative leadership of the Holmes County Consolidated School District have more than one (1) assistant superintendent of education. The subsequent superintendent of schools of the consolidated school district shall not be elected, but shall thereafter be appointed by the successor board of trustees in the manner provided in Section 37-9-25. It shall be the responsibility of the successor board of trustees to prepare and approve the budget of the new consolidated district, and the successor board of trustees may use staff from the former school districts to prepare the budget. Any proposed order of the State Board of Education directing the transfer of the assets, real or personal property of an affected school district in the county,

shall be final and conclusive for the purposes of the transfer of property required by such administrative consolidation.

(d) Any person or school district aggrieved by an order of the successor newly selected board of trustees of the Holmes County Consolidated School District pursuant to the required administrative consolidation may appeal therefrom within ten (10) days from the date of the adjournment of the meeting at which such order is entered. The appeal shall be taken in the same manner as appeals are taken from judgments or decisions of the board of supervisors as provided in Section 11-51-75, the provisions of which shall be fully applicable to appeals taken hereunder. The board of trustees of the Holmes County Consolidated School District shall not pass upon or approve or disapprove any such order until the time for an appeal therefrom has expired, nor shall the board pass upon or approve or disapprove any such order from which an appeal is taken until said appeal has been finally determined.

(5) Nothing in this section shall be construed to require the closing of any school or school facility, unless the facility is an unneeded administrative office located within a school district which has been abolished under the provisions of this section. All administrative consolidations under this section shall be accomplished so as not to delay or in any manner negatively affect the desegregation of another school district in the county pursuant to court order.

(6) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Holmes County pursuant to this section. The consolidated districts shall make an election within one (1) year of consolidation concerning the group term life insurance described in subsection (6) of Section 25-15-9.

(7) The County Board of Education and the Superintendent of Education of the former Holmes County School District and the local school board and Superintendent of Schools of the Durant Public School District shall cooperate with the State Department of Education, as soon as practicable after the effective date of this act, for the planning and transition of programs, services and alignment of curriculum for the administratively consolidated school districts.

SECTION 2. Section 37-7-103, Mississippi Code of 1972, is amended as follows:

37-7-103. From and after July 1, 1987, the school board of any school district shall have full jurisdiction, power and authority, at any regular meeting thereof or at any special meeting called for that purpose, to abolish such existing district, or to reorganize, change or alter the boundaries of any such district. In addition thereto, with the consent of the school board of the school district involved, the school board may add to such school district any part of the school district adjoining same, and with the consent of the school board of the

school district involved, may detach territory from such school district and annex same to an adjoining district. Provided, however, that the consent of the school board of the school districts involved in implementing the provisions of Section 37-7-104 or * * * Section 1 of this act shall not be required for the administrative consolidation of such school districts pursuant to the order of the State Board of Education.

SECTION 3. Section 37-5-7, Mississippi Code of 1972, is amended as follows:

37-5-7. (1) On the first Tuesday after the first Monday in May, 1954, an election shall be held in each county in this state in the same manner as general state and county elections are held and conducted, which election shall be held for the purpose of electing the county boards of education established under the provisions of this chapter. At such election, the members of the said board from Supervisors Districts One and Two shall be elected for the term expiring on the first Monday of January, 1957; members of the board from Supervisors Districts Three and Four shall be elected for a term expiring on the first Monday of January, 1959; and the member of the board from Supervisors District Five shall be elected for a term expiring on the first Monday of January, 1955. Except as otherwise provided in subsection (2), all subsequent members of the board shall be elected for a term of six (6) years at the regular general election held on the first Monday in November next preceding the

expiration of the term of office of the respective member or members of such board. All members of the county board of education as herein constituted, shall take office on the first Monday of January following the date of their election.


(2) On the first Tuesday after the first Monday in November, in any year in which any county shall elect to utilize the authority contained in Section 37-5-1(2), an election shall be held in each such county in this state for the purpose of electing the county boards of education in such counties. At said election the members of the said county board of education from Districts One and Two shall be elected for a term of four (4) years, the members from Districts Three and Four shall be elected for a term of six (6) years, and the member from District Five shall be elected for a term of (2) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of six (6) years each. All members of the county board of education shall take office on the first Monday of January following the date of their election.

(3) On the first Tuesday after the first Monday in November 2017, an election shall be held in Holmes County for the purpose of electing the county board of education in the new Holmes County Consolidated School District. At the election, the members of the said county board of education shall be elected from single member board of education districts, which shall be consistent with the supervisors district lines in the county, and shall be elected for

an initial term of six (6) years. Subsequent elections for the Holmes County Board of Education shall be held on the first Tuesday after the first Monday in November 2023 and every four (4) years thereafter at the same time and manner as other general elections are held, and the member shall be elected for a term of four (4) years. All members of the county board of education in the new Holmes County Consolidated School District shall take office on the first Monday of January following the date of their election.

SECTION 4. This act shall take effect and be in force from and after July 1, 2016.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 19, 2016


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 19, 2016


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

May 10, 2016
11:10am